

Palermo, Mark

From: Mike Cooper <mike.cooper@cummins.com>
Sent: Friday, June 22, 2018 12:28 PM
To: Orehowsky, Gregory
Cc: Palermo, Mark; Spina, Providence; Joseph Sawin
Subject: RE: EPA 208 Request
Attachments: Hyundai 2010-15 Data Jun 22 2018 to EPA.xlsx

Greg,

Please see the revised spreadsheet attached. The only change is to insert a Column B called "TPEM / Non TPEM". This should help clarify which are TPEM and which are not. Relative to family names, for the "TPEM" engines, please use the "TPEM Family" and "TPEM Power Category". For the "Non TPEM" engines, please use the "Certification Family" information. Since some of these engines are not EPA certified, you will notice that some of these family names won't match the EPA convention for naming. If you have any further questions on the data, feel free to give me a call and we can discuss further.

PS. Joe is still working on the Invoice part of the question below.

Mike Cooper

Director – US/Canada Product Certification & Compliance
Cummins Inc. | Columbus, Indiana

Email mike.cooper@cummins.com
Cell 812.344.1151

Are you #HeForShe ? – Make your commitment: <http://www.heforshe.org/en>

From: Spina, Providence [mailto:Spina.Providence@epa.gov]
Sent: Tuesday, June 19, 2018 1:19 PM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Mike Cooper <mike.cooper@cummins.com>
Subject: RE: EPA 208 Request

External Sender

Hi Joe,

Many thanks to you and Mike for the call last Friday. On that call, we asked some questions about the relationship between several columns in the response spreadsheet, in particular columns C, D, E, and F. You and Mike were going to work on some of the data provided, and we planned to touch base later this week on the status of any revisions. We agreed to defer a decision on the extension schedule for the outstanding information until after receiving the revised spreadsheet. Please let me know if you have any questions about this summary of our discussion.

After our call, we had one more question from the spreadsheet: What does column M, "INVC_CREDIT_DATE" mean or refer to? We would appreciate a clarification about that column either in an e-mail or with your revised spreadsheet.

Many thanks for your cooperation with this request, and please let us know if you have any questions.

Regards,

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Monday, June 11, 2018 5:10 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Mike Cooper <mike.cooper@cummins.com>
Subject: RE: EPA 208 Request

Our pleasure, Providence. And Friday at 2pm will work just fine. Thanks!

Joe

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Monday, June 11, 2018 5:04 PM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Mike Cooper <mike.cooper@cummins.com>
Subject: RE: EPA 208 Request

External Sender

Joe,

Thank you for sending these materials, and thank you for sending your availability last week. Are you still available this Friday, June 15 at 2 pm EST? If so, I'll send out a calendar invitation for us to discuss any outstanding items after our review.

Best,

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Monday, June 11, 2018 4:57 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>; Mike Cooper <mike.cooper@cummins.com>
Subject: RE: EPA 208 Request

Hi Providence –

Attached please find our response to your information request. Please let me know when you have availability to discuss.

Joe

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Wednesday, June 6, 2018 10:26 AM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

External Sender

Hi Joe,

Thank you for speaking with us this past Monday. Based on that conversation, we understand that Cummins is prepared to submit a response to EPA's Section 208 information request on Monday, June 11, 2018. You further indicated that due to the resources needed to gather certain information and/or the unavailability of certain information, Cummins' response may be incomplete with respect to the following requested information:

- #1.b – maximum engine power
- #1.c – country whose emissions standards each engine was labeled as being compliant (some labels may not have identified a country, but may only have identified the engine as “for export”)
- #1.e – Hyundai purchase orders
- #1.f – Hyundai shipping address
- #1.g – TPEM power category

On the call, we provided some feedback on the above-listed categories of information that may assist Cummins' response preparation.

Recognizing that the June 11, 2018 response will not be complete, and that the scope of outstanding items is somewhat in flux, EPA intends to propose an extension for submitting the outstanding information after receiving and reviewing Cummins' initial response. Could we plan on discussing the outstanding items and an extension schedule towards the middle or end of next week?

As previously discussed, to the extent any of the submitted information requires a narrative explanation or qualification, please include those explanations in your response.

We appreciate Cummins' efforts to timely respond to EPA's request and your ongoing communications and status updates. If you have any further questions through the end of this week, please do not hesitate to reach out.

Regards,

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Thursday, May 31, 2018 5:10 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: Re: EPA 208 Request

Thanks Providence. Would 4pm tomorrow work? (No problem for me, but I'm not fighting DC traffic!)

If not, anytime 12-1:30 on Monday would work fine for me too.

On May 31, 2018, at 4:19 PM, Spina, Providence <Spina.Providence@epa.gov> wrote:

External Sender

Thanks, Joe. Unfortunately, we are not available until about 3 pm tomorrow. If that's too late, should we try to find a time on Monday? On Monday June 4, we are available from 12 – 1:30 pm Eastern, or 3-4 pm Eastern. Do either of those windows work?

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Thursday, May 31, 2018 11:01 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

Hi Providence – I had a review with our team pulling together this data. Would you have time for a short call tomorrow, so I can provide an update of our progress? I'm generally available between 10am-1:30pm if anything then works.

Joe

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Monday, May 21, 2018 9:38 AM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

External Sender

Yes, we'll give you a call thank. Thanks!

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Monday, May 21, 2018 9:27 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

Hi Providence – I can make 3:30 tomorrow work. Would you like to give me call then?

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Monday, May 21, 2018 9:04 AM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

External Sender

Hi Joe,

Unfortunately, we have a conflict here at 2 pm tomorrow. Are you available at 3:30 EST tomorrow, or 9:30 AM EST on Wednesday?

We understand that Cummins' inquiry into these items has just begun and is ongoing; we appreciate your engaging with us early in the process.

Many thanks,
Providence

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Monday, May 21, 2018 8:41 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

Hi Providence,

Thank you for your note. Would 2pm tomorrow work for you to discuss?

As for your note, your summary is accurate. Just please recognize we're still in the very early stages of looking into this, so things may change. I should know more by tomorrow.

Thanks!

Joe

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Sunday, May 20, 2018 10:37 PM
To: Joseph Sawin <joseph.sawin@cummins.com>
Cc: Orehowsky, Gregory <Orehowsky.Gregory@epa.gov>; Palermo, Mark <palermo.mark@epa.gov>
Subject: RE: EPA 208 Request

External Sender

Hi Joe,

Thanks for speaking with Greg and me on Friday. I am writing to memorialize what we discussed, and make sure we are on the same page about next steps. Please note that I have copied Mark Palermo, the contact attorney identified on the 208 request. We are both working on this case, so please feel free to reach out to either of us with any questions.

On Friday, you shared that Cummins ran an initial report and identified about 45,000 engines whose information could be responsive to the questions in the 208 request. Because information about sales/purchase order dates may have to be collected manually from a different database, Cummins may need additional time to provide that information.

Greg and I asked whether it would be easier to identify the shipping date for each engine, or if a different, more accessible date could serve as a good surrogate for the sales/purchase order dates. You planned to raise this question in a meeting with your clients.

I said that we could give an extension of time, if necessary, to collect the requested information, but that we were hoping to receive at least some of the information quickly. I also said that Greg and I would put some thought into ways to streamline the collection of requested information.

We also agreed to touch base early next week. Do you have any availability on Tuesday? Let us know when would be a convenient time for you.

Also, please let me know if summary above is accurate, or if there are any details to add, or issues to clarify.

Many thanks for your cooperation with this request. Please do not hesitate to reach out to Mark or me with any questions or concerns.

Regards,

Providence Spina
202-564-2722

From: Spina, Providence
Sent: Friday, May 18, 2018 11:44 AM
To: 'Joseph Sawin' <joseph.sawin@cummins.com>
Subject: RE: EPA 208 Request

Great, Greg and I will call you in a couple of minutes.

Providence Spina
202-564-2722

From: Joseph Sawin [<mailto:joseph.sawin@cummins.com>]
Sent: Friday, May 18, 2018 11:42 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: EPA 208 Request

Hi Providence – I can actually speak now, but unfortunately I have another call at 12. I could also discuss from 2-2:30 if that works for your schedules.

Joe

Joseph Sawin
Patent and Product Emissions Counsel

Email joseph.sawin@cummins.com
Direct 812.377.3124
Mobile 812.657.4970
Fax 812.377.8739

From: Spina, Providence [<mailto:Spina.Providence@epa.gov>]
Sent: Friday, May 18, 2018 11:40 AM
To: Joseph Sawin <joseph.sawin@cummins.com>
Subject: EPA 208 Request

External Sender

Hi Mr. Sawin,

Thanks so much for your message. I'm happy to chat and answer any questions about the Clean Air Act 208 Information Request that we sent to Cummins. I think the best plan would be to arrange a call with us and Greg Orehowsky, the engineer assigned to this matter. Could we give you a call (I'm sorry for the short notice) at 12 pm EST? If not, please let me know if there is a better time today and Monday.

Many thanks,
Providence

Providence Spina, Attorney-Advisor
U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
1200 Pennsylvania Ave. NW, Mail Code 2242A
Washington, D.C. 20460 mail or 20004 courier
Ph: 202-564-2722